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Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Via email to legcon.sen@aph.gov.au

Submission to the inquiry into the Freedom of Information Amendment (New Arrangements) Bill 2014

Thank you for the opportunity to provide a submission to the Senate Legal and Constitutional Affairs Committee inquiry into the Freedom of Information Amendment (New Arrangements) Bill 2014 (the Bill).

Currently under the *Freedom of Information Act 1982* (FOI Act) agencies have recourse against individuals who repeatedly engage in access actions that harass or intimidate, that unreasonably interfere with the operations of an agency or seek to circumvent the restrictions on access to a document.

The repeal of Division 1 of Part VIII of the FOI Act will remove the ability of agencies to apply to have individuals declared to be vexatious for the purposes of the FOI Act. This means that agencies will have to continue to process requests that harass or intimidate staff or unreasonably interfere with the operations of an agency made by individuals who are not acting in good faith.

In APRA's experience, processing repeated and vexatious FOI applications made by a small number of disaffected applicants creates significant administrative burden. It also reduces the resources APRA has available to process applications from other applicants, leading to increased processing time for these other applicants.

The Hawke Review recommendation to allow agencies to refuse to process particular FOI requests on the basis that they are repeated or vexatious would eliminate these problems. This approach is modelled on section 20 of the *Right to Information Act 2009 (Tas)* and section 14 of the *Freedom of Information Act 2000 (United Kingdom)* and was supported by several agencies, including APRA, in submissions to the Hawke Review. The reintroduction of a nominal fee for lodging FOI applications may also discourage unmeritorious, frivolous or repeated applications.

APRA is happy to provide further information should it be required by the Committee.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Thea Rosenbaum', written over a faint blue circular stamp.

Thea Rosenbaum
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